

Docket Number: 1402

**GWIN ENGINEERS, INC., t/a EADS**

~~Benjamin I. Levine, Jr., Esquire~~  
Victor P. Stabile, Esquire

VS.  
**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~  
Michael D. Alsher, Assistant Counsel

**November 13, 1989**

Claim and filing fee filed by attorney for Plaintiff, additional information to be requested. Amount of Claim: \$98,049.30.

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**December 6, 1989**

Letter forwarded to attorney for Plaintiff requesting additional information. Copy forwarded to attorney for Defendant.

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**January 12, 1990**

Second letter forwarded to attorney for Plaintiff requesting additional information. Copy forwarded to attorney for Defendant.

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**February 16, 1990**

Letter forwarded to attorney for Plaintiff advising that Exhibit "A" would be severed from the original Claim and placed in the Miscellaneous File.

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**February 21, 1990**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

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**February 26, 1990**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 23, 1990.

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**March 1, 1990**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 23, 1990.

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**November 16, 1990**

Defendant's Answer to Plaintiff's Complaint with New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 28, 1991**

Plaintiff's Response to New Matter and Answer and New Matter to Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 7, 1991**

Plaintiff's First Set of Interrogatories Directed to the Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 2, 1992**

Defendant's Answers to Plaintiff's First Set of Interrogatories Directed to the Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 16, 1992**

Stipulation of Settlement executed by attorney for Plaintiff and attorney for Defendant but filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 27, 1993**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 27th day of January, 1993, upon due consideration of the Stipulation of Settlement of the parties and other submissions, it is hereby **ORDERED** that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, shall pay to Plaintiff, Gwin Engineers, Inc., t/a EADS, the sum of Thirty-Six Thousand Eight Hundred Thirty-Six Dollars and Fifteen Cents (\$36,836.15) which amount shall include the Fifty-Dollar (\$50.00) filing fee paid by the Plaintiff to commence this action, in full satisfaction and settlement of the matter. Plaintiff shall withdraw its Complaint, and upon payment of the within award, file a Praecipe with the Board of Claims requesting that the matter be marked settled and discontinued with prejudice. Each party to bear its own costs and attorneys' fees other than the filing fee which is included in the award." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 29, 1993**

Acceptance of Service of Opinion and Order dated January 27, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 28, 1993.

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**January 29, 1993**

Acceptance of Service of Opinion and Order dated January 27, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 28, 1993.

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**July 20, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of July, 1993, a Rule to Show Cause is issued upon Plaintiff, Gwin Engineers, Inc., t/a EADS, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of the date of this Order whether or not Plaintiff has received the sum of money directed by the Board of Claims. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 22, 1993**

Acceptance of Service of Opinion and Order dated July 20, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 21, 1993.

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**August 10, 1993**

Letter Response to Board's Rule to Show Cause of July 20, 1993 filed by attorney for Plaintiff.

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**August 10, 1993**

Acceptance of Service of Opinion and Order dated July 20, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 9, 1993.

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**September 10, 1993**

Letter Praecipe filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 24, 1993**

The Board made the following Order: "**AND NOW**, this 24th day of September, 1993, pursuant to Letter Praecipe filed by Victor P. Stabile, Esquire on behalf of Plaintiff, Gwin Engineers, Inc., t/a EADS received by this Board under date of September 10, 1993, advising that 'we have received our settlement draft in the above matter and the case may now be closed' it is hereby **ORDERED** and **DIRECTED** that the case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 28, 1993**

Acceptance of Service of Order dated September 24, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 24, 1993.

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**October 4, 1993**

Acceptance of Service of Order dated September 24, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 28, 1993.

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**CLOSED**